

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PRESTON L. HOWARD §
v. § CIVIL ACTION NO. 6:06cv166
LOSSIE HOWARD HOPKINS, ET AL. §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction. Plaintiff filed written objections on September 18, 2006.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. There has been no showing of subject matter jurisdiction in this case. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction. Any motion not previously ruled on is **DENIED**.

SIGNED this 22nd day of September, 2006.



Michael H. Schneider
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE